

The Office Action mailed May 6, 1996 has been carefully considered and the Examiner's suggested changes to the specification and claims at pages 11, 12, and 17 have been incorporated herein. The Applicants also note the allowability of claims 3-8, 10-11, and 18-28 and thus appropriate claims 1, 4, 9, 12, 16, 17, 24, 30 and 32 have been amended to more clearly define the present invention over the prior art. Also, new claims 33 and 34 have been added which are rewritten allowable claims 11 and 27 rewritten in independent form to include all the limitations of any dependent claims. Claims 2, 3, 23 and 29 have been canceled without prejudice. As such, claims 1, 4-10-22, 24-28, and 30-34 remain in the case. The response period of four months expires today September 6, 1996 and a fee of \$110 is included herein for this four month response. Two new independent claims 33 and 34 are also presented herein and the fee for these added claims of \$156 is also included herein.

The Examiner has indicated that claims 3-8, 10-11, 18-25 and 26-28 are objected to as being dependent upon rejected claims, but that they would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Following these guidelines the Applicants have rewritten certain of these claims in proper independent form.

Independent claim 1 has been amended to include the allowable subject matter of dependent claim 3 and its dependent claim 2. As such, claim 1 now stands allowable. Claims 4-8 and 21-22 have been made dependent on claim 1 and as such they are also allowable.

The allowable subject matter of dependent claim 23 has been incorporated by amendment into independent claim 9 on which it directly depended. As such claim 9 now stands in allowable form. Claims 10, 12-15 and 24-25 have been made dependent on allowable claim 9 and as such now are also allowable. The Examiner had rejected claims 12-15 under 35 USC 112 as failing to show proper antecedent basis for "said cell dual detector". The Examiner will note that claim 12 has been amended to recite only the "detector means" which has proper antecedent basis in independent claim 9 on which claim 12 depends through claim 11. As such claims 12-15 are no longer rejectable under 35 USC 112.

The Examiner had also rejected claims 29-32 under 35 USC 112 as being indefinite for reciting "the frequency of the cell voltage" in claim 29. The Examiner will note that this phrase has been amended to clearly set forth therein the step of "setting the frequency of the cell voltage to an optimum frequency for detecting the broadest range of moisture sensed by the cell". As such the recitation is not indefinite and claim 29 is not rejectable under 35 USC 112. The Examiner indicated that the subject matter of claim 29 was allowable if the 112 rejections were taken care of and the claim placed

in independent form. It will be noted that this modified subject matter of claim 29 has been incorporated into independent claim 16 in this amendment and claim 16 thus stands in allowable form. Claims 17 -20, 26-28 and 30-32 have been made dependent on allowable claim 16 and are therefore also allowable.

New independent claim 33 is an independent form rewriting of allowable claim 11 which was indicated allowable by the Examiner when placed in independent form. Dependent claim 11 has not been canceled since it now depends on Amended claim 9 which combination is different in scope from claim 33.

Similarly, new independent claim 34 is an independent form rewriting of allowable claim 27 which was indicated allowable by the Examiner when placed in independent form. Dependent claim 27 has not been canceled since it now depends on Amended claim 16 which combination is different in scope from claim 34.

The Applicants have uncovered a new reference which is pertinent to the present application. This reference is UK Patent Application GB 2 087 704 a copy of which is enclosed for the Examiner's review. It should be noted that the present reference teaches a volume crop measuring device which is mounted in a harvester and intermittently fills a chamber with crop for weighing and moisture measurement. The measurement is thus not continuous, ex-situ, without feed means for continuous feed and thus does not disclose nor make obvious the invention as found patentable by the Examiner in item 8 of his action which he described as;


**“a combine thresher having a continuous grain moisture analyzer mounted ex-situ on an external wall of the combine that is provided with means for bypassing a portion of the grain passing between the grain floor and storage bin therein to move through the grain moisture analyzer, where the moisture analyzer has a sensing cell for measuring grain moisture and has a feed means for moving the grain from the sensing cell to an outlet opening formed thru the external wall”**

The claims in the present amendment all are based on the Examiner's indicated allowable claims based on the above criteria of patentability and hence are not affected by the cited GB reference.

The Applicants are preparing the formal drawings and they will be sent to the Examiner for his approval of same upon receipt of the Notice of Allowability.

The Applicant submits that by this Amendment he has placed the case in condition for allowance the issuance of which is respectfully requested.

Respectfully submitted,

  
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Name of person mailing

J. R. Matas Sept. 6, 1996  
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Signature Date